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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,453	11/01/2001	Hidetaka Magoshi	. SCEISZ 3.0-105 3997	
530 7	590 10/07/2005		EXAMINER	
LERNER, DA	VID, LITTENBERG,		DO, CI	IAT C
KRUMHOLZ	& MENTLIK			
600 SOUTH AVENUE WEST		ART UNIT	PAPER NUMBER	
WESTFIELD, NJ 07090			2193	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/035,453	MAGOSHI, HIDETAKA		
Examiner	Art Unit		
Chat C. Do	2193		

2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Sin a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They arise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See below. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling in non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) ediceted: 1-9 and 13. Claim(s) rejected: 1-9 and 13. Claim(s) withdrawn from consideration:		LXumino	Air Oille	
THE REPLY FILED 23 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1-114. The reply mompliance with 37 CFR 1-114, the reply mompliance with 37 CFR 1-114. The reply mompliance with 37 CFR 1-137(a), or any extension thereof (37 CFR 1-137(a)), to avoid dismissal of the appeal. Sin a Notice of Appeal was filed on		Chat C. Do	2193	
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no event, however, will the statutiory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY-CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708 07(f). Extensions of time may be obtained under 3 7 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension for have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension for the first of the first of the first of the first of the softened statutory part of reply originally in the first of first own and the corresponding amount of the fee. The appropriate extension for many reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. I The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b)), to avoid dismissal of the appeal. Sin a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See below; (See 37 CFR 1.116 and 41.33(a)). A poplicant's reply has overcome the following rejection(s): A poplicant's reply has overcome the following rejection(s): (a) They affid		e of the final rejection.		
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13. Other:			1/	nce bećause:
		(PTO/SB/08 or PTO-1449) Paper N		
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Part 11(a): The applicant has amended all independent claims 1, 6, and 8-9 by inserting some limitations. These limitations raise new issues that would require further consideration and search prior making solid conclusion.